

In The United States Court of Federal Claims

No. 06-101C

(Filed: April 19, 2010)

JAY CASHMAN, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

On March 10, 2010, defendant filed a motion *in limine* in which it sought to suspend expert discovery until resolution of the motion. On March 18, 2010, the court temporarily stayed expert discovery pending resolution of defendant's motion. On March 30, 2010, plaintiff filed its response to defendant's motion, and on April 8, 2010, defendant filed its reply. Based on its review of these materials, the court holds that:

1. Defendant's motion *in limine* is hereby **DENIED** based on the view that, as currently described, plaintiff's challenged evidence merely augments legal theories of existing claims. Should proof at trial reveal otherwise, defendant may renew its motion in post-trial briefing;
2. The stay on expert discovery is hereby lifted;
3. On or before May 21, 2010, the parties shall conduct expert depositions; and
4. On or before June 4, 2010, the parties shall file a joint status report with a proposed trial date and a schedule for pre-trial filings pursuant to RCFC Appendix A ¶¶ 13-16.

IT IS SO ORDERED.

s/ Francis M. Allegra

Francis M. Allegra
Judge